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June 21, 2022

Sedgwick Claims Management Services
Attn: Jaylynn Crawford
1833 Centre Point Circle, Ste 139
Naperville, IL 60563

Re: Mildred Hendrix vs. Target Corporation
Our Client: Mildred Hendrix
Your Insured: Target
Date of Loss: 08/10/2021
Claim No.: 137217110001

OFFER OF SETTLEMENT PURSUANT TO O.C.G.A. § 9-11-67.1

Dear Ms. Crawford:

I represent claimant, Mildred Hendrix who was injured on the premises of your insured, Corey Howard on August 10, 2021. Pursuant to O.C.G.A. § 9-11-67.1 we are providing you a reasonable opportunity to settle Ms. Hendrix's claim against your insured arising out of the above-referenced premise liability claim.

The following material, including medical reports, bills, receipts, analysis, evaluations, and other documents, has been compiled to evaluate the liability of your insured, the nature of our client's injuries, and the extent of damages sustained by our client as a result of the hazardous conditions on your insured's property.

This material is being submitted to you for purposes of negotiation only. Your review of this information is under the condition that nothing contained herein shall constitute an admission by our client and that nothing contained herein shall be admissible against our client at any hearing or trial.

LIABILITY

On August 10, 2021, Ms. Hendrix was a patron at Target on the premises of 3660 Market Place Blvd. East Point, Georgia when suddenly and without warning Ms. Hendrix was knocked to the ground by a fallen shelf. Ms. Hendrix sustained serious, permanent objective injuries as a result of the hazardous and dangerous conditions of Target's premises.

Pursuant to O.C.G.A. § 51-3-1 an owner or occupier of land, by express or implied invitation, induces or leads others to come upon their premises for any lawful purpose, is liable in damages to such persons for injuries caused by a failure to exercise ordinary care in keeping the premises and approaches safe:

- (a) O.C.G.A. § 51-3-1 (2010) Duty of owner or occupier of land to invitee. Where an owner or occupier of land, by express or implied invitation, induces or leads others to come upon his premises for any lawful purpose, he is liable in damages to such persons for injuries caused by his failure to exercise ordinary care in keeping the premises and approaches safe.
- (b) The owner/occupier store has a duty to use ordinary care toward keeping its premises safe for its customers including inspecting the premises to discover the possible dangerous consequences of which the owner/occupier does not have knowledge and taking reasonable precautions to protect invitees from dangers foreseeable from the arrangement or use of the premises. Robinson v. Kroger 268 Ga 735 (1997).

Thus, based on the foregoing, it would be unreasonable to expect that no liability would be found on the part of your insured. As a result of the negligent acts or omission of your insured, my client suffered serious and painful injuries, which are documented in the medical records and pictures, **and are included on the enclosed Demand**. It is clear that the actions of your insured driver were the direct, proximate, and legal cause of my client's injuries.

INJURIES AND TREATMENT

Immediately following the incident, Ms. Hendrix presented to Dekalb Medical Center for her injuries with complaints of headaches, neck pain and back pain. Specifically, she complained of achy and soreness. Ms. Hendrix described her pain and pressure and burning pain. After x-rays and physical examination by the physician, Ms. Hendrix was diagnosed:

S09.90XA	Unspecified injury head, initial encounter
S19.9XXA	Unspecified injury neck, initial encounter
S30.0XXA	Contusion lower back pelvis, initial encounter

Ms. Hendrix next presented to Georgetown Clinics and the doctor conducted a detailed new patient interview and outlined a plan for treatment for decreasing pain, restoring his range of motion, and improving his strength. On her initial visit, Ms. Hendrix complained of neck pain, back pain and headaches since the accident. Further, she noted the pain as dull, achy, and sharp

in nature. She rated her pain levels a 8 out of 10 on a pain scale. Ms. Hendrix was diagnosed with:

S39.012A	Strain of muscle, fascia and tendon of lower back
M54.12	Cervical pain that radiates
M54.81	Occipital neuralgia
G44.219	Episodic tension-type headache, not intractable
S23.3XXA	Sprain of ligaments of thoracic spine
M62.830	Muscle spasm of back

Due to continued pain, Ms. Hendrix presented to the doctors at East Atlanta Injury and Wellness Center. She arrived with complaints of cervical pain, lumbar pain, thoracic pain and headaches since the accident. Further, she described her pain as frequent, dull and sharp. Ms. Hendrix also stated that her pain was aggravated with movement. She rated her pain levels an 8/9 out of 10 on a pain scale. She was diagnosed with:

M54.2	Cervicalgia
M54.5	Low back pain
M54.6	Pain in thoracic spine
S13.8XXA	Sprain of joints and ligaments of other parts of neck, initial encounter
S39.012A	Strain of muscle, fascia and tendon of lower back, initial encounter
M62.830	Muscle spasm of back
M54.12	Radiculopathy cervical region
M54.81	Occipital neuralgia
G44.219	Episodic tension-type headache, not intractable
M25.551	Pain in right hip
M25.552	Pain in left hip

Due to finding in her physical examination, Ms. Hendrix was recommended an MRI of her cervical spine and brain. The impression revealed the following:

Minimal spondylosis. Partially empty sella
Senescent changes including brain parenchymal volume loss and chronic small vessel ischemia

In the days following, Ms. Hendrix presented to Southern Crescent Injury Rehab for evaluation of her neck pain, back pain and paresthesia. She described her continued pain as sharp and constant. Further, she rated her headache pain levels a 10 out of 10 on a pain scale. Specifically, she noted that her pain was often exacerbated by loud noises, sunlight and associated dizziness, irritability, forgetfulness, insomnia and difficulty concentrating. She was diagnosed with:

S06.9X0D	Unspecified intracranial injury without loss of consciousness, subsequent encounter
F07.81	Post-concussional syndrome
M54.81	Occipital neuralgia
M54.2	Cervicalgia
M54.5	Low back pain

R20.2 **Parathesia of skin**
G60.9 **Hereditary and idiopathic neuropathy, unspecified**
M25.511 **Pain in right shoulder**

PAIN AND SUFFERING

Tarbet's negligence has had a severe and dramatic impact upon Ms. Hendrix's life, and its effects will remain for quite some time. Our client experienced significant pain and suffering, both initially and throughout the course of treatment. These sorts of injuries, while not life threatening, are painful, persistent, and extremely inconvenient.

In addition to the cost of medical treatment, Georgia law allows a victim of negligence to recoup damages for pain and suffering. Georgia law presumes that pain and suffering accompany a physical injury. [See: *White v. Hammond*, 129 Ga. App. 408, 199 S.E.2d 809 (1973); *Cochran v. Lynch*, 126 Ga. App. 866, 192 S.E.2d 165 (1972).] "Pain and suffering" include physical and emotional pain, discomfort, anxiety, inconvenience, disfigurement, loss of enjoyment of life, and all other non-pecuniary losses of any kind or nature.

In order to further document the injuries and pain experienced by our client, we have enclosed his medical records and billing statements.

DAMAGES

Mildred Hendrix has incurred damages to date as follow:

<u>Medical Provider</u>	<u>Amount Charged</u>
Dekalb Medical Center	\$ 6,345.10
CEP America	\$ 718.00
Georgetown Clinics	\$ 7,000.00
OPI	\$ will supplement
Southern Crescent Injury and Rehabilitation	\$ 15,190.00
Transportation	\$ 182.01
Total Special Damages	\$ 30,146.11

SETTLEMENT PROPOSAL

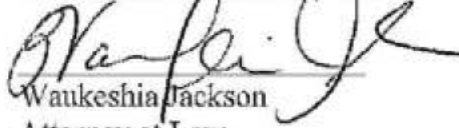
In light of the damages that my client Ms. Mildred Hendrix endured because of your insured's negligence, we are willing to settle this claim for the amount of **FIVE HUNDRED THOUSAND DOLLARS (\$500,000.00)**, in exchange for the general release of your insured(s).

Foy & Associates, P.C. tax ID number is [REDACTED] We will be happy to provide a signed W-9 upon your request, but your request does not extend any time limits under this offer.

My client and I look forward to hearing from you and receiving your timely acceptance of this demand within thirty (30) days of receipt, I can be reached at (404) 400-4000, or via email at wjackson@johnfoy.com.

Very truly yours,

FOY & ASSOCIATES, P.C.


Waukeshia Jackson
Attorney at Law

Enclosures

Exhibit
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